

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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CHRISTINE A. SMITH, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

MFS INVESTMENT MANAGEMENT,  
MASSACHUSETTS FINANCIAL SERVICES  
CO. AND MFS FUND DISTRIBUTORS, INC.,

Defendants.

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CIVIL ACTION NO.  
1:08-cv-11942-GAO

**STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties hereto, by and through their undersigned counsel, hereby STIPULATE and AGREE that the action be, and it hereby is, DISMISSED with prejudice, with the parties, respectively, to bear their own costs and expenses.

Dated: March 5, 2009

/s/ Gary Klein

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) and paper copies will be sent to those indicated as non-registered participants on March 5, 2009.

/s/ Gary Klein  
Gary Klein